

Morison, Samuel (OPA)

From: Rodgers, Ronald (OPA)
Sent: Tuesday, December 02, 2008 3:35 PM
To: Morison, Samuel (OPA)
Subject: RE: Aaron

Thanks Sam. I will take it from here.

From: Morison, Samuel (OPA)
Sent: Tuesday, December 02, 2008 3:31 PM
To: Rodgers, Ronald (OPA)
Subject: FW: Aaron

Ron,

Deb Griffin said that Judge Bulter preferred not to put his views in writing, but did want someone to call him. I called him today and talked for about 10 minutes about the clemency process generally and, of course, about Clarence Aaron. He said that his basic view was expressed in the order he recently issued denying Aaron's motion for resentencing, namely: "Looking through the prism of hindsight, and considering the many factors argued by the defendant that were not present at the time of his initial sentencing, one can argue that a less harsh sentence might have been more equitable; however, this Court is powerless to act in a pardon capacity." (Order at 4).

He went on to elaborate that at the time Aaron was sentenced, the Department was taking a very "hard-nosed" position in drug cases, which was a position that, as a former prosecutor himself, he did not disagree with. Over time, however, he has become convinced that such "harsh sentences in drug cases have not completely accomplished their goal of deterring others from entering into the drug trade," and his views have therefore changed. As a result, he believes that Aaron "should be granted relief" by the president, as he suggested in his order, and "does not think it would be at all unfair to release him at this time." He acknowledged that the USA has a different view, but said that he "would have no objection to commuting the sentence to time-served."

That is the gist of it. We have now received the views of both the USA, who recommends commutation to 25 years, and the judge, who recommends (or at least doesn't object to) time-served. The previous denial report is on the system and can be updated if that is the direction you want to go. There is also a draft favorable on the system, which would have to be revised to account for the most recent developments, but it has a good account of the basic facts.

Sam